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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,112	03/15/2001	Josef Mayer	HOE-609	3297
20028	7590	06/25/2004	EXAMINER	
LAW OFFICE OF BARRY R LIPSITZ 755 MAIN STREET MONROE, CT 06468			KIM, PAUL D	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/812,112

Applicant(s)

MAYER ET AL.

Examiner

Paul D Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-42,58,59,61 and 62 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,22-42 and 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-21,58, 61 and 62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/19/04.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 20040623.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is a response to the amendment filed on 5/5/2004.

#### *Response to the Election of Species*

2. Applicant's election with traverse of Species B, claims 5-21, 58, 61 and 62, in the reply filed on 5/5/2004 is acknowledged. The traversal is on the grounds that the amended claim 58 is now a generic claim, which is not contravene the applicant's election. Examiner agrees with applicant's counsel that the amended claim 58 is now a generic claim. The non-elect claims of the Species B are 2, 3, 22-42 and 59.

The requirement is still deemed proper and is therefore **made FINAL**.

3. Claims 22, 3, 22-42 and 59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/5/2004.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5, 6, 8, 10, 12-20 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris (US PAT. 4,456,834).

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Harris teaches a method of making a proximate switch comprising steps of: providing a housing (10) with a closed front end (a metallic closure of 26) and an open rear end (capping area) as shown in Fig. 1; providing a carrier (20) having an electronic circuit (21) thereon; providing an electrical connector element (18, 28,40,42) on the carrier to form a carrier-connection element combination to enable an external connection to the electrical circuit; introducing the carrier into the open rear end of the housing; pouring a molding compound (suitable adhesive, col. 3, lines 35-43) into the open rear end of the housing for encapsulating the electronic circuit within the housing; and capping the open rear end of the housing with a cap (14), wherein connection portions of the electrical connection element are guided through the cap as shown in Figs. 1 and 2 (see also, col. 2, line 22 to col. 3, line 44).

As per claims 5 and 6 the connection element is connected rigidly with a plurality of connection pin (22) to the carrier.

As per claim 8 a cup-shaped insert (26) is provided for closing the housing at the measuring end, the insert being pushed into the housing in the direction of the rear end from the measuring end as shown in Fig. 1.

As per claim 10 the carrier-connection element combination is placed onto a closure element (26) forming the closed measuring end.

As per claim 12 the amount of adhesive is inherently controlled to prevent overflowing from the housing.

As per claims 13 and 14 the carrier-connection element combination is aligned in the longitudinal direction or collinear to a longitudinal axis of the housing as shown in Fig. 1.

As per claims 15-17 the cap is pushed into the housing as far as a stop provided on the cap (adjacent to the item "14" contacting to the housing) as shown in Figs. 1 and 2.

As per claims 18 and 19 the carrier-connection element combination is attached to the cap prior to inserting into the housing and pushed into the housing as shown in Fig. 2.

As per claim 20 the cap and the connection element are provided with complementally fixing means (36) as shown in Fig. 2.

6. Claims 5, 7, 12-14, 58, 61 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Guillot et al. (US PAT. 5,749,143).

Guillot et al. teach a process for forming an electrical device comprising steps of providing a housing (27) with a closed front end (bottom) and an open rear end (top) as shown in Fig. 3A; providing a carrier (10) having an electronic circuit (12) thereon as shown in Fig. 1A; providing an electrical connector element (4) on the carrier to form a carrier-connection element combination to enable an external connection to the electrical circuit; introducing the carrier into the open rear end of the housing as shown in Figs. 3B and 3C1; pouring a molding compound into the open rear end of the housing for encapsulating the electronic circuit within the housing as shown in Fig. 3B; and

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capping the open rear end of the housing with a cap (16), wherein connection portions of the electrical connection element are guided through the cap as shown in Figs. 1 and 2 (see also, col. 5, line 11 to col. 8, line 3).

As per claim 5 the connection element is rigidly connected to the carrier as shown in Fig. 1A.

As per claim 7 the connection element (4) are soldered (or wired) to the carrier.

As per claim 12 the specific amount of adhesive is introduced into the housing.

As pr claims 13 and 14 the carrier-connection element combination is aligned in the longitudinal direction or collinear to a longitudinal axis of the housing as shown in Figs. 3B and 3C1.

As per claims 61 and 62 Guillot et al. teach that the molding compound is introduced into the housing prior to insert the carrier into the housing as disclosed in col. 7, lines 23-30).

#### ***Allowable Subject Matter***

7. Claims 9, 11 and 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 5-21, 58, 61 and 62 have been considered but are moot in view of the new ground(s) of rejection.

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9. Applicant argues that the prior art of record fails to disclose the close the front end and the open rear end. Examiner traverses the argument that Harris shows a housing (10) with a closed front end (a metallic closure of 26) and an open rear end (capping area) as shown in Fig. 1 and Guillot et al. show that the molding compound is poured into the housing and the carrier is introduced from the open rear end of the housing as shown in Fig. 3B.

10. This application contains claims 2, 3, 22-42 and 59 drawn to an invention nonelected with traverse in the reply filed on 9/17/2003 and 5/5/2004. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Kim whose telephone number is 703-308-8356. The examiner can normally be reached on Tuesday-Friday between 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pdk



**A. DEXTER TUGBANG  
PRIMARY EXAMINER**